

## **REMARKS**

These remarks are in response to the Office Action of 25 Feb 2004 by Examiner Firmin Backer.

Claims 1-26 are in the case, none as yet allowed.

### **35 U.S.C. 102**

Claims 1-26 have been rejected under 35 U.S.C. 102 over Felkey et al (U.S. PG Pub 2002/0161667).

Applicants traverse, and argue that the Examiner has not made the required prima facie case of anticipation, which requires that the Examiner provides

1. a single reference
2. that teaches or enables
3. each of the claimed elements (arranged as in the claim)

4. expressly or inherently
5. as interpreted by one of ordinary skill in the art.

With respect to the third element, it is not enough that the prior art reference disclose all the claimed elements in isolation. Rather, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." The Examiner, further, must identify the elements of the claims of the application, determine their meaning in light of the specification and prosecution history, and identify the corresponding elements disclosed in the allegedly anticipating reference. [See *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984)]. Further, anticipation will not be found when the prior art is lacking or missing a specific feature or structure of the claimed invention. [See *Continental Can Co. USA v. Monsanto Co.*, 20 USPQ 2d 1746, 1748 (Fed. Cir. 1991)].

In the instant case, there is in the Felkey reference no teaching of company groups, nor of controlling access to procurement resources based on a user's company group.

The Examiner's rejection of the claims recites the language of applicants' claims, and refers for all claim language to the following collection of paragraphs (and the figures which they describe):

[Abstract] A method and system for procuring and servicing telecommunications offerings, including a customer browser loaded on a customer client computer, a back office browser loaded on a back office client computer, and a server program loaded on a server computer. The customer browser is configured to submit a procurement inquiry, the procurement inquiry specifying a selected telecommunications offering from among voice, Internet and mobile telecommunications offerings. The back office browser is configured to submit a service inquiry, the service inquiry specifying a search criteria with respect to an order for a telecommunications offering, a customer agent assigned for servicing a telecommunications offering order, and a move, change or disconnection (MCD) of a telecommunications offering order. The server program is configured to receive the procurement and service inquiries, generate procurement data pertaining to the selected telecommunications offering and service data pertaining to the search criteria, and transmit the procurement and service data.

[0012] According to another aspect of the present invention, there is provided a method for procuring and servicing telecommunications offerings remotely, including receiving a procurement inquiry and a service inquiry, the procurement inquiry specifying a selected telecommunications offering from among voice, Internet and mobile telecommunications offerings, the service inquiry specifying a search criteria with respect to an

order for a telecommunications offering, a customer agent assigned for servicing a telecommunications offering order, and a move, change or disconnection (MCD) of a telecommunications offering order; generating procurement data in response to the procurement inquiry and pertaining to the selected telecommunications offering and service data in response to the service inquiry and pertaining to the search criteria; and transmitting the procurement and service data.

[0015] According to another aspect of the present invention, there is provided a system for procuring and servicing telecommunications offerings, including a customer browser loaded on a customer client computer, the customer browser being configured to submit a procurement inquiry, the procurement inquiry specifying a selected telecommunications offering from among voice, Internet and mobile telecommunications offerings; a back office browser loaded on a back office client computer, the back office browser being configured to submit a service inquiry, the service inquiry specifying a search criteria with respect to an order for a telecommunications offering, a customer agent assigned for servicing a telecommunications offering order, and a move, change or disconnection (MCD) of a telecommunications offering order; and a server program loaded on a server computer and being configured to receive the procurement and service inquiries, generate procurement data pertaining the to the selected telecommunications offering and service data pertaining to the search criteria, and transmit the procurement and service data.

[0037] FIG. 2 is a flowchart illustrating a flow for procuring telecommunications products and/or services in the system 100. In FIG. 2, at step 202, the customer 102 or 104 is pre-qualified by a core customer representative 108 for telecommunications products and/or services desired by the customer 102 or 104. At step 204, customer contract and information are entered by the core customer representative 108. At step 206, a contract package and forms needing signatures are generated by the core customer representative 108. At step 208, an implementation engineer 208 performs a technical review of the telecommunications products and/or services desired by the customer 102 or 104. At step 210, validation and submission to order entry for

the telecommunications products and/or services desired by the customer 102 or 104 are performed by an implementation coordinator 108. At step 212, order entry for the telecommunications products and/or services desired by the customer 102 or 104 is performed by the implementation coordinator, the implementation engineer and/or the order distributor 108. At step 214, order tracking is performed by the implementation coordinator 108, completing the flow for procuring telecommunications products and/or services.

[0046] In FIG. 3, the devices 302a, 304a and 306a and the respective devices 314a and 316a of the customer service personnel 314 and the swivel-chair operators 316 may communicate with the telecommunications service procurement system 310 using, for example, TCP/IP via the communications networks 308 and 312, respectively. The devices 302a, 304a and 306a and the devices 314a and 316a may include a modem function (e.g., dial-up, DSL, cable, wireless, etc.) that can log in to the telecommunications service procurement system 310 with user validation (e.g., via a personal identification number (PIN), user name and password, etc.).

[0047] The telecommunications service procurement system 310 may include all software and hardware to provide, for example, user account maintenance, validation and access control level (ACL) information, a directory server where a customer's personal information is kept, etc. The devices 302a, 304a and 306a, the devices 314a and 316a, the telecommunications service procurement system 310, etc., may be implemented using one or more of the computer system 701 of FIG. 7, for example.

[0051] FIG. 4 is a flowchart illustrating a flow for procuring telecommunications products and/or services on-line, according to the present invention. In FIG. 4, at step 402, the customer 302, 304 or 306 is pre-qualified and orders telecommunications products and/or services via the customer GUI. At step 404, technical review, validation and submission to order entry are performed by a service coordinator (e.g., customer service personnel 314, swivel-chair operators 316, etc.). At step 406, order entry for the telecommunications products and/or services desired by the customer 302, 304 or 306 is performed by the service coordinator. At step 408, order tracking is

performed by the service coordinator, completing the flow for procuring telecommunications products and/or services, according to the present invention.

[0058] Once the prospective customer has determined the services appropriate to his/her business and has been qualified online, the customer can access the shopping cart/service functions 504a of the web site, select desired services and, for example, click on an "Order Now" button to proceed. Afterwards, the customer is able to enter the web site to access the additional valued added content functions 508a via a member login function. The additional valued added content functions 508a include, for example, personalized content, automatically assigning (as well as resetting) user name and password with a return confirmation e-mail, access to main content/functional areas of the web site, access to tailored services, sending a page, conference call scheduling, online directory assistance, access to tailored articles on products ordered or related products (e.g., an Internet customer may have access articles on web hosting, etc.), access to existing orders, e-billing, access to a service/hierarchy organizer, access to switched/dedicated breakeven tools, access to cost allocation tools, searching capabilities (e.g., guided, keyword, ask a question format, etc.), pop-up menu/instant messaging for prospective customers who click around a lot without purchasing (e.g., to ask "Can we help you find anything?"), etc.

[0064] An existing customer, via the functions 510a or through a web link, can access the OSS e-billing application 524a (e.g., IXplus, etc.). The OSS e-billing application 524a is an electronic billing, electronic bill presentment, electronic bill payment, etc., application providing the ability for the existing customer to, for example, review, analyze and pay invoices over the communications network 308 (e.g., via the Internet, etc.).

[0088] The web tier 502b includes, for example, the web servers 612a (e.g., running Apache, etc.) and the switches 614a, 606b and 608b. Embedded within the Apache servers are the two plugins: (i) the WebLogic module 516b for proxying HTTP requests for servlets and files to the application servers 616a in the back end subsystem and for doing load balancing of the proxy

requests to all available application servers 616a as well as fail over should one of the application servers 616a crash and (ii) the Raven SSL plugin 514b, which manages the SSL certificates for secure HTTP sessions.

**As well as applicants can determine, there is no teaching of company groups in Felkey, which is specifically recited in each of applicants' independent claims.**

For example, claim 1 recites:

"...associating each said company with a company group of related companies;... said user profile specifying for each said user a user company and company group;... responsive to said user profile and said resource profiles, controlling user access to said procurement resources..."

These same recitations are variously set forth in each of the independent claims 1, 12, 15, 26. All the remaining claims depend from these independent claims are similarly distinguished from Felkey.

This language requires that a customer be identified in a profile as to both company and company group, and that the

access to procurement resources be controlled with respect not only to company, but also with respect to company group.

In Felkey, on the other hand, a customer is authorized to procure shopping cart service functions from a single company (as is best brought out in paragraph 58), there being no concept of company group taught by Felkey.

#### **SUMMARY AND CONCLUSION**

Applicants urge that the case be passed to issue with claims 1-26.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P.




Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

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By

  
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